

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAMES LaVERN WILSON,

Plaintiff,

v.

STATE OF FLORIDA DMV, et al.,

Defendants.

NO: 13-CV-0233-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

On September 19, 2013, Plaintiff was ordered to file an Amended Complaint within 30 days. Plaintiff is proceeding *pro se* and *in forma pauperis*.

Plaintiff was cautioned that his failure to amend within 30 days would result in the dismissal of this case. Although granted the opportunity to do so, Plaintiff has now failed to amend his complaint.

Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith.” The good faith standard is an objective one, and good faith is demonstrated when an

1 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*
2 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
3 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
4 490 U.S. 319, 325 (1989).

5 The Court finds that any appeal of this Order would not be taken in good
6 faith and would lack any arguable basis in law or fact. Accordingly, the Court
7 hereby revokes Plaintiff’s *in forma pauperis* status.

8 **ACCORDINGLY, IT IS HEREBY ORDERED:**

9 1. Plaintiff’s Complaint is **DISMISSED without prejudice** for failure to
10 state a claim under 28 U.S.C. §1915(e)(2)(B).

11 2. Plaintiff’s *in forma pauperis* status is **REVOKED**.

12 The District Court Executive is directed to enter this Order, enter judgment
13 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

14 **DATED** October 22, 2013.



Thomas O. Rice
THOMAS O. RICE
United States District Judge